



Docket No.: 2801-0208P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Martin J. PAGE et al.

Application No.: 10/765,067

Confirmation No.: 2323

Filed: January 28, 2004

Art Unit: 1644

For: GLYCOSYLATED ANTIBODY

Examiner: P. Gambel

INFORMATION DISCLOSURE STATEMENT
(SUBMISSION AFTER FILING OF AN APPLICATION BUT BEFORE FINAL
REJECTION OR NOTICE OF ALLOWANCE OR CONCURRENTLY WITH A RULE
1.114 RCE APPLICATION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-SB08(s), attached hereto.

II. COPIES

☒ a. Copies of cited U.S. patents and patent application publications are not included.
Copies of foreign patent documents and non-patent literature are included.

☐ b. Some or all of the documents listed on the PTO-SB08 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

☒ c. REFERENCES PREVIOUSLY CITED OR SUBMITTED - Pursuant to 37 C.F.R. §1.98(d), consideration of information listed on the PTO-SB08 form(s) is requested since any patents, publications, or other information which are listed on the PTO-SB08 form(s) but for which copies are not enclosed herewith, were previously cited by or submitted to the PTO in the following co-pending, related application:

U.S. Appl. No(s) and U.S. Filing Date

10/145,992 filed May 16, 2002

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

☒ a. DOCUMENTS IN THE ENGLISH LANGUAGE - The patents, publications, or other information listed on the attached PTO SB08 are in the English language and therefore, do not require a statement of relevancy.

☐ b. DOCUMENTS NOT IN THE ENGLISH LANGUAGE - A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

☐ c. ENGLISH LANGUAGE SEARCH REPORT - An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).

☒ d. OTHER - The following additional information is provided for the Examiner's consideration. References "CA" – "CM" are thirteen oppositions filed against related European Patent No. 1 247 865. Each opposition along with the documents relied on by the opponent are submitted as one document to facilitate consideration by the Examiner. References "CN" – "CT" are of record in Re-examination No. 90/006,997 (Re-examination of Crowe et al. USP 5,876,961).

IV. FEES (check one box)

☐ a. This Information Disclosure Statement is being filed concurrently with the filing of a new patent application; therefore, no fee is required.

☐ b. This Information Disclosure Statement is being filed concurrent with the filing of a continuation-in-part, continuation, or divisional patent application; therefore, no fee is required.

☐ c. This Information Disclosure Statement is being filed within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required.
(This section is not to be used with RCE's.)

☐ d. This Information Disclosure Statement is being filed within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.

☐ e. This Information Disclosure Statement is being filed concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.

☒ f. This Information Disclosure Statement is being filed before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account for the fee as required by 37 C.F.R. § 1.17(p).

☐ g. This Information Disclosure Statement is being filed before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

☐ No statement; therefore, a fee as required by 37 C.F.R. § 1.17(p) is attached.
or

☐ See the statement below. No fee is required.

V. STATEMENT UNDER 37 C.F.R. § 1.97(e)

(check only one box)

The undersigned hereby states that:

☐ a. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than 30 days prior to the filing of this IDS; or

☐ b. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

☐ c. No item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.

☐ d. Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VI. PAYMENT OF FEES (check one box)

☐ The required fee is listed on the attached Fee Transmittal.

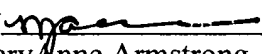
☒ No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

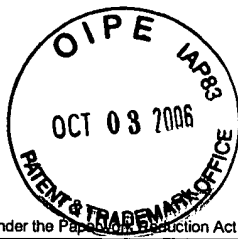
Dated:

Respectfully submitted,

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Attachment(s):

- ☒ PTO-SB08
- ☐ Documents
- ☐ Foreign Search Report
- ☐ Fee
- ☐ Other:



PTO/SB/08a/b (07-06)

Approved for use through 09/30/2006. OMB 0651-0031

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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete if Known			
		Application Number	10/765,067-Conf.#2323		
		Filing Date	January 28, 2004		
		First Named Inventor	Martin J. Page		
		Art Unit	1644		
		Examiner Name	P. Gambel		
Sheet	1	of	2	Attorney Docket Number	2801-0208P

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)					

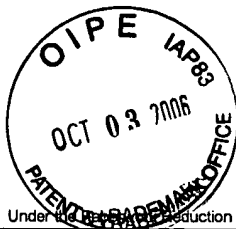
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CA	Opposition against EP 1247865 filed by Cambridge Antibody Technology Limited, (UK) on February 2, 2006.	
	CB	Opposition against EP 1 247 865 filed by Amgen Inc., (USA) on March 15, 2006.	
	CC	Opposition against EP 1 247 865 filed by ASTRAZENCA AB, (Sweden) on March 13, 2006.	
	CD	Opposition against EP 1 247 865 filed by Schering, AG (Germany) on March 13, 2006.	
	CE	Opposition against EP 1 247 865 filed by Serono International S.A. (Switzerland) on February 27, 2006.	
	CF	Opposition against EP 1 247 865 filed by Biovitrum AB (Sweden) on March 15, 2006.	
	CG	Opposition against EP 1 247 865 filed by Biolnvent International AB (Sweden) on March 15, 2006.	
	CH	Opposition against EP 1 247 865 filed by Genentech Inc. (USA) on March 15, 2006.	
	CI	Opposition against EP 1 247 865 filed by Boehringer Ingelheim Pharma GmbH & Co., KG (Germany) on March 15, 2006.	
	CJ	Opposition against EP 1 247 865 filed by Novartis AG (Switzerland) on March 15, 2006.	
	CK	Opposition against EP 1 247 865 filed by ABBOTT LABORATORIES (USA) on March 15, 2006.	
	CL	Opposition against EP 1 247 865 B1 filed by Wyeth (USA) on March 15, 2006.	
	CM	Opposition against EP 1 247 865 filed by GENMAB A/S (Denmark) on March 15, 2006.	

Examiner Signature		Date Considered	
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Birch, Stewart, Kolasch & Birch, LLP

MAA:bmp



PTO/SB/08a/b (07-06)

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				Application Number	10/765,067-Conf.#2323
				Filing Date	January 28, 2004
				First Named Inventor	Martin J. Page
				Art Unit	1644
				Examiner Name	P. Gambel
Sheet	2	of	2	Attorney Docket Number	2801-0208P

	CN	Larrick, J.W. et al.; Biochemical & Biophysical Research Communications, Vol. 160, No. 3 (1989), pp. 1250-1256.	
	CO	Van Meurs, G.J.F. et al.; Journal of Immunological Methods, Vol. 95 (1986) pp. 123-128.	
	CP	Teshima, G. et al.; Biochemistry, Vol. 30, (1991), pp. 3916-3922.	
	CQ	DiAugustine, R.P. et al.; Analytical Biochemistry, Vol. 165 (1987), pp. 420-429.	
	CR	Cini, J.K. et al.; Archives of Biochemistry and Biophysics; Vol. 263, No. 1, pp. 96-106(1988)	
	CS	Wingfield, P. et al.; Eur. J. Biochem., Vol. 165, pp. 537-541 (1987)	
	CT	Moellering et al., BioPharm. (February) 1990, pp. 33-38.	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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